

REMARKS

Claims 1-38 are pending in this application. By this Amendment, new claims 36-38 are added. Reconsideration of the application is respectfully requested.

I. Priority Acknowledgment

The Examiner is requested to acknowledge receipt of the certified copy of the priority document. The Office Action made an acknowledgement in the "Office Action Summary" section regarding the priority document. However, the Office Action failed to indicate whether "all," "some" or "none of" the certified copies of the priority documents have been received.

II. The Claims Define Patentable Subject Matter

The Office Action rejects claims 1-35 under 35 U.S.C. §102(e) over U.S. Patent No. 6,363,357 to Rosenberg et al. ("Rosenberg"). This rejection is respectfully traversed.

The Office Action asserts that Rosenberg discloses all elements recited in claims 1, 16 and 25. However, Applicant respectfully submits that Rosenberg does not disclose or suggest a first computer which stores merchandise data contents in a memory thereof based on an order request, as recited in claim 1; a second memory space that stores assigned data contents, as recited in claim 16; or holding delivery data contents until a subsequent delivery request for delivery is received, as recited in claim 25.

Claim 1 recites a first computer which stores merchandise data contents in a memory thereof based on an order request to distribute said merchandise data contents placed for a specific requester at a second computer, wherein said first computer comprises a controller that creates relevant data contents with respect to the requested merchandise data contents, assigns requester-specific data contents to said relevant data contents, and creates assigned delivery data contents. Claim 16 recites means for creating relevant data contents related to said merchandise data contents according to an order request; means for assigning requester-

specific data contents to said relevant data contents and for creating assigned data contents; and a second memory space that stores said assigned data contents. Thus, both claims 1 and 16 require storing assigned data contents that are created based on both merchandise data contents and requester-specific data contents, so that requester-specific data contents are added to the requested merchandise data in creating the assigned data contents.

Rosenberg discloses a payment system 100 having a payment broker 118 between merchants 106 and buyers 102. See Fig. 1, col. 3, lines 26-33. The merchant 106 registers at the broker's website 172, which in turn stores the merchant's information in a merchant database 160. See col. 4, lines 32-54. A buyer purchases digital content 206 by generating a purchase request that is sent to the broker server 132 along with the product ID of the digital content and a private key of the buyer. See col. 7, lines 15-23. The broker computer verifies the private key of the buyer with a public key of the buyer, and determines whether the transaction should be terminated. See col. 7, lines 26-38. Nowhere does Rosenberg disclose or suggest storing certain data that are created based on both the digital content and the purchase request. Therefore, claims 1 and 16 are patentably distinct from Rosenberg.

The Office Action asserts that Rosenberg discloses storing merchandise data content in the memory at col. 2, lines 45-67; col. 4, lines 32-54; or col. 7, lines 16-37. Applicant respectfully submits that these passages merely disclose storing digital files for a user to select and to purchase before receiving a purchase order from the user. They do not disclose or suggest storing merchandise data contents that have been modified or created based on an order request.

Regarding claim 25, the Office Action asserts that Rosenberg discloses holding delivery data content until a subsequent delivery request for delivery is received at col. 11, line 67 - col. 12, line 8; and col. 13, lines 3-10. Applicant respectfully submits that these passages merely disclose providing a catalog of products for a user to select before receiving

a purchase request from the user. They do not disclose or suggest preparing delivery data contents for the specific requestor by adding requester-specific information to requested merchandise data contents, and holding the delivery data contents until subsequent delivery request for delivery is received, for at least the reason that the catalog of Rosenberg provides no requester-specific information.

Because of the above-described features of the claims, it is possible, according to embodiments of the claimed invention, for a user to download the delivery data contents at different times. For example, even if a communication trouble interrupts a downloading, the user may again access the stored delivery data contents at another time and resume the download. Also, owing to the requester-specific data contents assigned to the merchandise data contents, it is possible for the user to download the delivery data contents via a computer that is different from the one from which the user sent the order request. Thus, the user may download the delivery data contents at different times via different computers. Rosenberg does not achieve such advantages, or recognize their usefulness.

For at least these reasons, Rosenberg does not disclose, teach or suggest the subject matter of the independent claims 1, 16 and 25.

Furthermore, Applicant respectfully submits that Rosenberg does not disclose or suggest a controller that transmits delivery data content according to a delivery request, as recited in claim 4; means for judging matches between the content of a delivery request and requestor-specific data contents, as recited in claim 21; or distributing delivery data contents according to a delivery request, which is independent from the order request, as recited in claim 26.

Specifically, Rosenberg discloses that a user purchases data by sending in a purchase request. Rosenberg does not disclose or suggest that the user sends a delivery request, in

addition to the order request, for delivering the data. Thus, Rosenberg does not disclose or suggest the subject matter recited in claims 4, 21 and 26.

The Office Action asserts that Rosenberg discloses transmitting delivery data according to a delivery request at col. 3, lines 26-47; and col. 11, line 67 - col. 12, line 8. Applicant respectfully submits that, as discussed above, these passages merely disclose providing a catalog for a user to select and purchase by sending in a purchase request. They do not disclose or suggest sending in a delivery request in addition to sending the purchase request.

The Office Action asserts that Rosenberg discloses distributing delivery data content according to a delivery request at col. 11, lines 1-25. Applicant respectfully submits that this passage merely discloses that the user may select an individual rate or corporate rate when sending in the purchase request. It does not disclose or suggest sending in a delivery request in addition to the purchase request. Even if the selection of an individual rate or corporate rate were applied to correspond to a "delivery request" (which is improper), it is part of the purchase request, not a subsequent request.

For at least the above reasons, Rosenberg does not disclose or suggest each and every element recited in independent claims 1, 16 and 25, or dependent claims 4, 21 and 25. Therefore, Rosenberg does not anticipate the subject matter recited in claims 1, 4, 16, 21, 25 and 26.

Applicant respectfully submits that claims 2, 3, 5-15, 17-20, 22-24 and 27-35 are also patentable over Rosenberg by virtue of their dependency on claims 1, 16 and 25, respectively, as well as for the additional features they recite. Accordingly, withdrawal of the rejection of claims 1-35 under 35 U.S.C. §102(e) is respectfully requested.

New claims 36-38 are believed to be patentable over Rosenberg by virtue of their dependency on claims 1, 16 and 25, respectively, as well as for the additional features they recite.

III. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-38 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



James A. Oliff
Registration No. 27,075

Gang Luo
Registration No. 50,559

JAO:GXL/sqb

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OLIFF & BERRIDGE, PLC
P.O. Box 19928
Alexandria, Virginia 22320
Telephone: (703) 836-6400

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